

MLS & Rules Committee

MEETING MINUTES

October 5, 2018

10:00am

Chairperson Tanya Kulaga called the meeting to order at 10:00am. Present were Tanya Kulaga, Erin Morgan, Cheryl Puentes, Lindsay Landis, Jake Forbes, John Green, Nicholas Lerner and Toby Gallegos. President Henry Wertin and President-Elect Greta Cater Wilson were in attendance for observation. Erin Morgan left early.

Meeting Minutes from September 28, 2018 were reviewed. After review, **it was moved to accept the minutes from the previous meeting; seconded and passed.**

The Committee received the updated red-line version of the LBOR Contract and continued discussion.

- **It was moved to remove the As Is Attachment from paragraph 39; seconded and passed.**
- **It was moved to remove the Condominium/Townhouse Attachment from paragraph 39; seconded and passed.**
- **It was moved to remove the current paragraph 28 and replace with new language as shown below; seconded and passed (attached to minutes).**

~~KANSAS BUREAU OF INVESTIGATION INFORMATION: Kansas law requires persons who are convicted of certain crimes, including certain sexually violent crimes, to register with the sheriff of the county in which they reside. If you, as the Buyer, desire information regarding those registrants, you may find information on the homepage of the Kansas Bureau of Investigation (KBI) at <http://www.Kansas.gov/kbi> or by contacting the local Sheriff's Office.~~

ADDITIONAL DISCLOSURES INCLUDING THOSE MANDATED BY STATE OR FEDERAL LAW

a. KANSAS BUREAU OF INVESTIGATION INFORMATION: Kansas law requires persons who are convicted of certain crimes, including certain sexually violent crimes, to register with the sheriff of the county in which they reside. If you, as the Buyer, desire information regarding those registrants, you may find information on the homepage of the Kansas Bureau of Investigation (KBI) at <http://www.Kansas.gov/kbi> or by contacting the local Sheriff's Office. .

b. RADON: Every buyer of residential real property is notified that the property may present exposure to dangerous concentrations of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer. Radon, a class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. Kansas law requires sellers to disclose any information known to the seller that shows elevated concentrations of radon gas in residential real property. The Kansas Department of Health and Environment recommends all homebuyers have an indoor radon test performed prior to purchasing or taking occupancy of residential real property. All testing for radon should be conducted by a radon measurement technician. Elevated radon concentrations can be easily reduced by a radon mitigation technician. For additional information go to <http://www.kansasradonprogram.org>.

c. LEAD BASED PAINT DISCLOSURE. If the property was built prior to 1978, BUYER acknowledges receiving, reading and signing the Federally required disclosure regarding lead-based paint.

- **It was moved to rewrite portions of paragraph 32 as shown below; seconded and passed.**
TIME: Time is ~~of~~ the essence ~~of~~ in this Contract. No advancement or delay will be granted unless in writing and signed by the parties. Any reference to a time period shall ~~mean~~ calendar days, ~~unless otherwise specified.~~ ~~of less than six (6) days shall include Saturday and Sunday.~~ Should the end of a time period fall on a legal holiday, ~~that the~~ termination time shall be extended to 5:00 p.m. of the next ~~full business~~ calendar day.

MLS & RULES

<i>Tanya Kulaga, Chairperson</i>	<i>HRE</i>
<i>Erin Morgan, Vice-Chairperson</i>	<i>McGrew</i>
Bev Hill	KWI
Cheri Drake	McGrew
Cheryl Puentes	McGrew
Chris Earl	Stephens
Diane Kennedy	McGrew
Drew Deck	RN Pref
Lindsay Landis	HRE
Jake Forbes	Signal Oak
John Evans	KWI
John Green	CB G&B
Mary Jones	McGrew
Nicholas Lerner	McGrew
Shelly Doris	Stephens
Toby Gallegos	KWI

- It was moved to continue through the LBOR Contract and propose changes before making any other motions; seconded and passed.
- A motion to approve the following changes was seconded and passed:
 - Add calendar to paragraph 4B between the words three (3) and days.
 - Add calendar to paragraph 5 between the words five (5) and days.
 - Add calendar to paragraph 18 between 120 and days in row 2 and row 3.
 - Add calendar to paragraph 24 between seven (7) and days in row 13 and between thirty (30) and days in row 14.
 - Add calendar to paragraph 10 – ii – b between the 1 and day in row 1.
 - Following signatures on the final page of the contract, strike “Brokerage Name” and replace with Listing Company and Selling Company, strike “Name of Licensee assisting Seller” and “Name of Licensee assisting Buyer” and replace with Listing Licensee and Buyer Licensee and strike “Brokerage Phone” and replace with Listing Company Phone and Selling Company Phone.
 - Change current Paragraph 26 to revised paragraph 26 as shown in Rob’s changes.

OCCUPANTS OTHER THAN SELLER: On or before _____ (date), SELLER shall furnish BUYER with copies of all leases, and records of ~~advance~~ all received rents and deposits paid. ~~on or before _____ (date).~~ SELLER shall deliver and assign to BUYER all original leases on Closing Date. Advance rents, deposits and prorated rents will be credited to BUYER at Closing. BUYER shall assume all obligations under the leases, and indemnify and hold the SELLER harmless with respect to the BUYER'S performance under such leases.

 - **A committee member was tasked with working on Buyers right to cancel language for paragraph 26**

Next Meeting Scheduled for Monday, October 15th at 10:00am

Meeting was adjourned at 11:40am.

Respectfully submitted,

Rob Hulse
Executive Officer

Leah Kohlman
MLS Coordinator